# IN THE UNITED STATES DISTRICT COURT
## FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
### EASTERN DIVISION

**JUSTIN R. HUGUET, et al.**                                               **PLAINTIFFS**

**v**                                        **CIVIL ACTION NO. 2:16cv182-KS-MTP**

**WAL-MART STORES EAST, LP, et al.**                              **DEFENDANTS**

## ORDER

This matter came before the Court this day on the *ore tenus* motion of Defendant

Walmart Stores East, L.P. ("Walmart") to compel Mississippi Farm Bureau Casualty Insurance

Company ("Farm Bureau") to produce a statement taken from one of the plaintiffs in this matter.

Farm Bureau objects to producing the statement claiming it is protected under the work product

doctrine. *See* Fed. R. Civ. P. 26(b)(3). Plaintiffs do not object to Farm Bureau producing the

statement.

The parties agreed to forgo the briefing process and other written submissions and

submitted the matter to the Court for decision based on the arguments made during the

telephonic conference held this day. Having heard the arguments of counsel, the Court cannot

readily conclude that the statement is work product. However, regardless of whether it is work

product, the Court finds that Defendant has a substantial need for the statement as it was taken

shortly after the automobile accident that is the subject of this litigation and provides Plaintiff's

fresh recollection of the events at issue. Defendant cannot obtain the substantial equivalent of

this statement taken soon after the accident by other means. *See* Fed. R. Civ. P. 26(b)(3)(ii). For

these reasons the Court finds that the motion should be granted and the statement produced.

IT IS, THEREFORE, ORDERED that the *ore tenus* motion to compel Mississippi Farm

Bureau Casualty Insurance Company to produce the statement of Justin Huguet is GRANTED.

This order is strictly limited to the statement at issue and is not to be deemed as a waiver of any

privilege or other protection which Farm Bureau may have with respect to other documents or items in its possession.

SO ORDERED, THIS the 18th day of August, 2017.

s/ Michael T. Parker
United States Magistrate Judge